

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Shalini Tripathi	Team: Team # 4	CCRB Case #: 201110067	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 07/29/2011 12:13 PM	Location of Incident: in front of 209 Wadsworth Avenue	Precinct: 34	18 Mo. SOL 1/29/2013	EO SOL 1/29/2013	
Date/Time CV Reported Fri, 07/29/2011 2:05 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 08/04/2011 12:07 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Stephen Polesovsky	17083	940589	PBMN TF
2. POM Erick Larios	12939	935159	PBMN TF

Officer(s)	Allegation	Investigator Recommendation
A.POM Stephen Polesovsky	Force: PO Stephen Polesovsky used physical force against § 87(2)(b)	
B.POM Erick Larios	Force: PO Erick Larios used physical force against § 87(2)(b) and § 87(2)(b)	
C.POM Stephen Polesovsky	Discourtesy: PO Stephen Polesovsky spoke obscenely and rudely to § 87(2)(b)	
D.POM Stephen Polesovsky	Force: PO Stephen Polesovsky used physical force against § 87(2)(b)	
E.POM Stephen Polesovsky	Abuse: PO Stephen Polesovsky threatened to arrest § 87(2)(b)	
F.POM Stephen Polesovsky	Abuse: PO Stephen Polesovsky threatened to arrest § 87(2)(b)	
G.POM Stephen Polesovsky	Force: PO Stephen Polesovsky used physical force against § 87(2)(b)	

Case Summary

§ 87(2)(b) filed a complaint with IAB on July 29, 2011 (encl. 12). IAB forwarded the complaint to the CCRB on August 4, 2011, under log #11-34907. On July 29, 2011, at approximately 12:13 PM, officers were called to 209 Wadsworth Avenue in Manhattan because of a dispute involving her daughter, § 87(2)(b). The following allegations resulted:

- **Allegation A – Force: PO Stephen Polesovsky used physical force against** § 87(2)(b)
- **Allegation B – Force: PO Erick Larios used physical force against** § 87(2)(b) **and** § 87(2)(b)

§ 87(2)(b), § 87(2)(g)

- **Allegation C – Discourtesy: PO Stephen Polesovsky spoke obscenely and rudely to** § 87(2)(b)

§ 87(2)(b), § 87(2)(g)

- **Allegation D – Force: PO Stephen Polesovsky used physical force against** § 87(2)(b)
- **Allegation E - Abuse of Authority: PO Stephen Polesovsky threatened to arrest** § 87(2)(b)

§ 87(2)(b), § 87(2)(g)

- **Allegation F – Abuse of Authority: PO Stephen Polesovsky threatened to arrest** § 87(2)(b)
- **Allegation G – Force: PO Stephen Polesovsky used physical force against** § 87(2)(b)

§ 87(2)(b), § 87(2)(g)

Results of Investigation

Civilian Statements

Complainant/Victim: § 87(2)(b)

- § 87(2)(b) is a § 87(2)(b) old Hispanic female who is 5'5" tall, weighs 125 pounds, and has black hair and hazel eyes.

CCRB Statement

§ 87(2)(b) was interviewed at the CCRB on September 19, 2011 (encl. 24 - 27). On July 29, 2011, § 87(2)(b) was informed that her two daughters, § 87(2)(b) and § 87(2)(b) had been arrested and were at the 34th Precinct stationhouse. At the stationhouse § 87(2)(b) primarily interacted with two officers, PO1 and PO2. PO1, who was described as a short, fat, "Mexican" male with spiky hair who looked to be in his late twenties and wore a uniform, was identified by the CCRB as PO Erick Larios. PO2, who was described as a tall white male with blue eyes, very short blonde hair, a muscular build, dressed in uniform, and looked like he was in his late twenties or early thirties, was identified as PO Stephen Polesovsky.

§ 87(2)(b) was told that she would have to sign medical release paperwork for § 87(2)(b) who was a minor, but because the police would not allow her to see § 87(2)(b) to see what kinds of injuries she had received, she refused to do so. After being inside the stationhouse for approximately twenty minutes, PO Polesovsky suddenly grabbed her by an arm, pushed her towards the exit, and told her that she would be arrested for trespassing if she attempted to return to the precinct. While she stood outside the stationhouse, PO Larios told her that she needed to act "nicely" and sign § 87(2)(b)'s medical release paperwork. She informed PO Larios that she wanted to speak with a sergeant and so PO Larios went to look for one. While she was outside, she called 911, who connected her to IAB.

PO Larios brought PO3 out approximately half an hour after she asked. PO3, who spoke a few words of Spanish, was a Hispanic male with light skin tone, black hair, medium build, and looked like he was in his early thirties. PO3 allowed § 87(2)(b) to see § 87(2)(b) in the holding cell. At this point, she noticed that her daughter had several scratches on her arms and back, cuts which were bleeding on her elbows, forearms, and shoulders, and a large cut on her head as well. After § 87(2)(b) saw § 87(2)(b) she signed the medical release forms for her and subsequently left the stationhouse.

Victim: § 87(2)(b)

- § 87(2)(b) is an § 87(2)(b) old Hispanic female who is 5'6" tall, weighs 115 pounds, and has blonde hair and green eyes. § 87(2)(b)

Arrest Photographs

§ 87(2)(b)
In these photographs, which are identical, § 87(2)(b) has a bandage over her left eyebrow as well as a scratch underneath her left nostril.

CCRB Statement

§ 87(2)(b) was interviewed at the CCRB on September 19, 2011 (encl. 16 - 19). On July 29, 2011, § 87(2)(b) was walking to the apartment building of § 87(2)(b) her boyfriend. The building is located near the intersection of Wadsworth Avenue and 184th Street in Manhattan. § 87(2)(b) was accompanied by a friend of hers, § 87(2)(b) and her sister, § 87(2)(b)'s mother, § 87(2)(b) does not want her son to date § 87(2)(b) and for this reason, § 87(2)(b) began arguing with § 87(2)(b) on the front steps of the apartment building.

§ 87(2)(b)'s sister, § 87(2)(b) came downstairs and argued with § 87(2)(b) At the location, § 87(2)(b) threatened § 87(2)(b) with a kitchen knife, holding it against her face. § 87(2)(b) was holding onto § 87(2)(b)'s forearms, keeping them immobile, for a few minutes before the officers arrived at the scene. § 87(2)(b) could not recall why § 87(2)(b) was holding her arms.

At this point, several people from the neighborhood gathered around the scene, but § 87(2)(b) did not know the contact information for these witnesses.

Approximately ten minutes later, two officers, PO1, identified by the CCRB as PO Stephen Polesovsky, and PO2, identified by the CCRB as PO Erick Larios, arrived at the building. § 87(2)(b) described PO1 as a white male dressed in uniform who was taller than his partner, PO2, who was a Hispanic male dressed in uniform who looked to be in his late thirties or early forties who was much shorter than the white officer, had a heavy build, was balding, had black and graying hair, and looked like he hadn't shaved for a few days.

§ 87(2)(b) told the officers that § 87(2)(b) had put a knife to her face. When the officers asked § 87(2)(b) for the knife, she told them that she didn't have one and then asked § 87(2)(b) why she had accused her of attacking her. § 87(2)(b) handed her knife to the officers. PO Larios suddenly threw § 87(2)(b) against a concrete and brick wall, causing her to hit her head. The impact resulted in a scratch on her forehead. PO Larios then threw § 87(2)(b) to the ground, pulled her hands behind her back, and handcuffed her. PO Larios put his knee in § 87(2)(b)'s back to pin her to the ground. At this point, § 87(2)(b) noticed that the officers had also tackled § 87(2)(b) to the ground as well, but did not know which officer had done this to her sister.

PO Larios picked § 87(2)(b) up off the ground finally, at which point she noticed that several additional officers had arrived at the scene. She also noticed at this point that she was bleeding from her face and elbow, and that § 87(2)(b) had scratches all over her body as well. They were taken to the 34th Precinct stationhouse and placed in a holding cell. While there, their mother, § 87(2)(b) came and asked several officers why her daughters had been arrested, but the officers didn't answer her and kicked her out of the stationhouse. § 87(2)(b) refused to go to a hospital because she did not want to prolong her time in police custody, but an EMT did go to the stationhouse and put an ointment and a band aid on her injuries.

Victim: § 87(2)(b)

- § 87(2)(b) is a § 87(2)(b) old § 87(2)(b) who is 5'3" tall, weighs 130 pounds, and has black hair and brown eyes. § 87(2)(b)

Arrest Photograph

§ 87(2)(b) has no visible injuries in her arrest photograph (encl. 63).

CCRB Statement

§ 87(2)(b) was interviewed at the CCRB on September 19, 2011 (encl. 20 - 23). § 87(2)(b)'s story was largely consistent with § 87(2)(b)'s statement regarding the allegations. She provided the following additional information in her testimony. § 87(2)(b) stated that she, her sister, and two of their friends were going to a McDonald's restaurant when they passed the building of § 87(2)(b)'s ex-boyfriend. His mother, § 87(2)(b) was sitting on the steps of her apartment building. § 87(2)(b) called § 87(2)(b) over and began a conversation with her. The two spoke for about twenty minutes.

Suddenly, PO1, identified by the CCRB as PO Erick Larios, and PO2, identified by the CCRB as PO Stephen Polesovsky, came to the building and § 87(2)(b) told them to take § 87(2)(b) away. At the time that the officers arrived at the scene, § 87(2)(b) was standing next to her sister. The officers did not tell § 87(2)(b) that she needed to move out of the way while they dealt with her sister. § 87(2)(b) told the officers that her sister had a broken collar bone. After this, she "blacked out" parts of the incident and so could not recall the exact sequence of events which led to her own arrest. § 87(2)(b) provided three separate versions of what happened next during her CCRB testimony.

In one version, § 87(2)(b) stated that PO Larios grabbed § 87(2)(b) and threw her to the ground. As he tried to handcuff her, he also pushed § 87(2)(b). PO Polesovsky then dragged § 87(2)(b) to the ground, chest-down. PO Polesovsky put his knee in her back, picked her up, and then slammed her, chest-first, into a cement wall. § 87(2)(b) later provided a second sequence of events, stating that PO Polesovsky first grabbed her, picked her up, slammed her against a cement wall, dragged her to the ground, put his knee in her back, handcuffed her arms behind her back, picked her up again, and slammed her into the cement wall a second time. Later in the interview, § 87(2)(b) changed the sequence of events a third time, stating that PO Polesovsky slammed her into a cement wall and then handcuffed her. § 87(2)(b) stated that when PO Polesovsky dragged her on the ground, she received a large cut on one of her knees but could not recall which knee. She also had large scratches on her shoulders and back, which bled, from being dragged on the ground.

After the two sisters were handcuffed, about five more officers arrived. PO Polesovsky told PO Larios, "Thought that bitch was going to get on me," referring to § 87(2)(b). The sisters were taken to the 34th Precinct. § 87(2)(b) was released the next day.

Victim: § 87(2)(b)

- § 87(2)(b) is a § 87(2)(b) old female.

CCRB Statement

§ 87(2)(b) a friend of § 87(2)(b) and § 87(2)(b) provided a witness statement over the phone on October 7, 2011 (encl. 29). § 87(2)(b) and § 87(2)(b) were going to McDonald's restaurant. They passed § 87(2)(b)'s boyfriend's building, near 185th Street and Wadsworth Avenue. The boyfriend's mother, whose name was possibly § 87(2)(b) was sitting outside. § 87(2)(b) and § 87(2)(b) began a conversation on the sidewalk, and they spoke for approximately 25 – 30 minutes. § 87(2)(b) stood close by them as they conversed.

Two officers, PO1, identified by the CCRB as PO Stephen Polesovsky, and PO2, identified by the CCRB as PO Erick Larios, suddenly arrived at the scene. § 87(2)(b) described PO Polesovsky as a tall, thin white male who stood about 5'11". § 87(2)(b) described PO Larios as a short Hispanic male who stood approximately 5'5". For some reason, § 87(2)(b) pointed at a knife and said that it was § 87(2)(b)'s knife, and also claimed that § 87(2)(b) tried to kill her. § 87(2)(b) did not recall seeing any knives at the scene herself. At this point, PO Polesovsky grabbed § 87(2)(b) picked her up, put her against a wall, and slammed her, face-down, to the sidewalk. This caused § 87(2)(b) to hit her head, which began to bleed, as well as scrape her shoulder and elbow.

§ 87(2)(b) fell down at approximately the same time that PO Polesovsky grabbed § 87(2)(b) and for some reason, PO Larios also grabbed § 87(2)(b) slammed her to the ground, and then dragged her to a wall, where he handcuffed her. New officers arrived at the scene, but they did not seem to know PO Polesovsky or PO Larios. § 87(2)(b) recalled seeing that § 87(2)(b) had scrapes on her legs as a result of this incident.

The sisters were taken to the 34th Precinct. When § 87(2)(b) went to visit with them at the station house, PO Polesovsky told her twice, "If you don't get out, I'm gonna handcuff you." Both times § 87(2)(b) refused to leave the station house. After her second refusal to leave, PO Polesovsky shoved § 87(2)(b)

Witness: § 87(2)(b)

- § 87(2)(b) is a § 87(2)(b) old female.

CCRB Statement

§ 87(2)(b) a friend of § 87(2)(b) and § 87(2)(b) provided a witness statement over the phone on October 6, 2011 (encl. 28). On July 29, 2011, the two § 87(2)(b) sisters, herself, and another friend named § 87(2)(b) had gone to § 87(2)(b)'s ex-boyfriend's building. The ex-boyfriend is named § 87(2)(b). Outside the building, they ran into § 87(2)(b)'s mother. § 87(2)(b) argued with § 87(2)(b) for approximately 30 - 45 minutes about § 87(2)(b)'s relationship with her son. At some point during the argument, § 87(2)(b) pulled out a knife. § 87(2)(b) did not know where she had obtained the knife from. § 87(2)(b) showed it to § 87(2)(b) but § 87(2)(b) stated that she was not brandishing it in a threatening manner at § 87(2)(b). At this point, two officers arrived, although § 87(2)(b) did not know why they came to the scene. § 87(2)(b) arrived at the location at some point and when the officers arrived, § 87(2)(b) put the knife on the ground and ran after him. The two officers subsequently went after and tackled her. § 87(2)(b) ran over and shoved one of the officers, who threw § 87(2)(b) down on the ground in return. Approximately five more police cars arrived at the scene shortly, and each car contained two officers. The officers all formed a ring around the sisters. Both sisters were handcuffed, put into patrol cars, and then taken to the 34th Precinct.

Witness: § 87(2)(b)

- § 87(2)(b) is a § 87(2)(b) old Hispanic female.

CCRB Statement

§ 87(2)(b) provided a witness statement over the phone on December 23, 2011 (encl. 30). § 87(2)(b) stated that on July 29, 2011, a neighbor called her to warn § 87(2)(b) that § 87(2)(b) had approached her with a knife. The neighbor informed § 87(2)(b) that § 87(2)(b) had told her that she was going to go to § 87(2)(b)'s house next. § 87(2)(b) called for police assistance and shortly afterwards, § 87(2)(b) came to her building armed with three knives and a pair of scissors in her boot.

§ 87(2)(b) threatened both § 87(2)(b) and her daughter, § 87(2)(b) with a butcher knife by holding it to their throats. When two police officers arrived, identified by the CCRB as PO Stephen Polesovsky and PO Erick Larios, § 87(2)(b) told them that § 87(2)(b) had tried to attack her. The knife was on a shelf nearby, and § 87(2)(b) pointed it out to the officers. § 87(2)(b) did not recall how the knife got to the shelf. When the officers told § 87(2)(b) to turn around, she lunged at § 87(2)(b) scratched her, and broke a chain she was wearing around her neck. § 87(2)(b) stated that there was so much confusion surrounding her that she did not recall what the involved officers looked like or which officer did what during the incident.

§ 87(2)(b) recalled that one of the officers grabbed § 87(2)(b) put her against a wall, and handcuffed her. After this happened, § 87(2)(b) jumped on that officer. The second officer subsequently grabbed § 87(2)(b) off of the first officer and handcuffed her as well. § 87(2)(b) recalled that the officers placed the two girls against a wall to handcuff them, but did not see either officer punch, kick, or otherwise assault either of the women at any point during the incident. She also did not hear either officer refer to the girls as a "bitch" or otherwise use discourteous language in her presence.

Witness: § 87(2)(b)

- § 87(2)(b) is a § 87(2)(b) old Hispanic female.

CCRB Statement

§ 87(2)(b)'s daughter, provided a witness statement over the phone on January 24, 2012 (encl. 31). On the day of the incident, § 87(2)(b) happened to be driving by her mother's building, when she saw § 87(2)(b) and her mother arguing. § 87(2)(b) was holding § 87(2)(b)'s arms because § 87(2)(b) was holding a knife in one hand. § 87(2)(b) believed that § 87(2)(b) had two additional knives with her on that day: one, which was approximately the size of § 87(2)(b)'s forearm, was on a nearby window ledge, and the second, which § 87(2)(b) did not describe.

Several residents of the building called police for assistance. Two officers eventually arrived, a tall white male and a Hispanic male, identified by the CCRB as PO Stephen Polesovsky and PO Erick Larios, respectively. When PO Polesovsky began speaking with § 87(2)(b) to find out what had happened, § 87(2)(b) lunged at § 87(2)(b) breaking the necklace she was wearing that day as well as scratching her chest. At this point, PO Polesovsky grabbed § 87(2)(b) and tried to place handcuffs on her. § 87(2)(b) wrestled with PO Polesovsky, tried to get away, and refused to be handcuffed. While the two were struggling, § 87(2)(b) slipped and fell on the floor. At this point, PO Polesovsky was finally able to grab § 87(2)(b)'s arms and handcuff her.

§ 87(2)(b)'s sister, § 87(2)(b) who was also present during this incident, jumped on PO Polesovsky while he was trying to handcuff § 87(2)(b) and for this reason, PO Larios grabbed § 87(2)(b) and handcuffed her, as well. § 87(2)(b) stated that both sisters were acting out of control and not listening to anything the officers told them, and it was

for this reason that the officers arrested them. § 87(2)(b) did not hear the officers call either sister a “bitch” or otherwise use derogatory language to refer to them.

Attempts to Contact Civilians

§ 87(2)(b) provided the phone number of § 87(2)(b) during her CCRB interview. On December 23, 2011, this phone number was no longer working. In a phone conversation on December 23, 2011, § 87(2)(b)'s mother, declined to provide her son's phone number and mailing address to the CCRB, stating that she would relay any correspondence to § 87(2)(b) herself. § 87(2)(b) has not contacted the CCRB in regards to this complaint. The CCRB subsequently determined that a statement from § 87(2)(b) would not affect the dispositions of the allegations and so no further contact attempts were made.

NYPD Statements:

Subject Officer: PO STEPHEN POLESOVSKY

- § 87(2)(b)
- *On the date of the incident, he was assigned to Sector Patrol of the 34th Precinct. He worked from 9:30 AM to 1:10 AM (July 30, 2011) with PO Erick Larios in uniform and in marked patrol car #1866.*

Memo Book

PO Polesovsky had the following memo book entries related to this incident. At 12:05 PM, PO Polesovsky noted a dispute with a knife in front of 209 Wadsworth Avenue. At 12:06 PM, PO Polesovsky noted that he arrived at the scene of this dispute, and notes at 12:13 PM that he arrested two females in regards to this dispute. At 12:15 PM, he notes that he has returned to the 34th Precinct with these two females. At 5:40 PM, he noted that he went to MTB with the two suspects. At 8:30 PM, he reported back to his command. At 1:15 AM, he was contacted by the Assistant DA.

UF-61

PO Polesovsky entered the complaint reports for both § 87(2)(b) and § 87(2)(b) § 87(2)(b) (encl. 64 - 71).

UF-61 #§ 87(2)(b) states that at 12:05 PM on July 29, 2011, inside the lobby of 550 West 184th Street, § 87(2)(b) threatened to kill § 87(2)(b) daughter, and § 87(2)(b) with a large kitchen knife and a bottle.

UF-61 § 87(2)(b) states that at 12:09 PM on July 29, 2011, in front of 209 Wadsworth Avenue, two victims, § 87(2)(b), reported that § 87(2)(b) threatened to kill them with a large kitchen knife. It also states that PO Larios recovered a pair of scissors from § 87(2)(b)'s right boot.

UF-61 #§ 87(2)(b) states that at 12:10 PM on July 29, 2011, at the southeast corner of Wadsworth Avenue and West 184th Street, § 87(2)(b) attempted to prevent PO

Polesovsky from arresting § 87(2)(b) by jumping on PO Larios's back and striking him several times, after which she actively resisted arrest.

Arrest Report

§ 87(2)(b) was arrested twice on July 29, 2011 (encl. 78-79). The narratives on both reports are identical, stating that § 87(2)(b) was charged with criminal possession of a weapon, menacing in the second degree, resisting arrest, and disorderly conduct. The complainants in these reports are listed as § 87(2)(b) and § 87(2)(b). § 87(2)(b)'s arrest report (encl. 91) states that she was arrested for obstruction of governmental administration, resisting arrest, and two charges of disorderly conduct.

CCRB Testimony

PO Polesovsky was interviewed at the CCRB on February 1, 2012 (encl. 35 - 37). On July 29, 2011, at 12:05 PM, PO Polesovsky heard a radio run for a dispute involving a knife at 209 Wadsworth Avenue, and he and PO Larios arrived at that location at 12:06 PM. When they arrived, they were able to quickly identify the perpetrator, § 87(2)(b) based on the description provided in the radio run. PO Polesovsky recalled that she was holding a 12" long kitchen knife and threatening her boyfriend's mother, identified by the CCRB as § 87(2)(b). PO Polesovsky separated the two parties and told § 87(2)(b) that she would be placed under arrest. While he was doing this, § 87(2)(b) jumped over PO Polesovsky and tried to attack another civilian present. PO Polesovsky subsequently attempted to handcuff § 87(2)(b) but while he was doing this, § 87(2)(b)'s sister, § 87(2)(b) jumped on PO Larios and hit his back and the back of his head. After PO Polesovsky had finally successfully handcuffed § 87(2)(b) he called for additional police assistance because he noticed that a large crowd was gathering at the location to watch the incident unfold.

PO Polesovsky decided to handcuff § 87(2)(b) as well. He recalled that both women had briefly been placed on the ground at one point, but did not recall pinning them to the ground with his knee. He did not see either of the sisters hit their heads against the wall or against the ground. He did not recall seeing PO Larios using any sort of physical force while interacting with either of the women.

PO Polesovsky did not refer to either of these sisters as a "bitch" and did not hear PO Larios refer to either sister as a "bitch." The officers escorted the women out of the building, placed them in their patrol car, and then took them to the 34th Precinct stationhouse. PO Polesovsky noted that he had to process § 87(2)(b) for two arrests, because prior to threatening § 87(2)(b) was at another location nearby, where she had threatened another set of people with a knife and bottle but had left for § 87(2)(b)'s residence when she realized officers were going to arrest her there. PO Polesovsky was charged with both of § 87(2)(b)'s arrests from this date.

PO Polesovsky recalled that a considerable amount of time had elapsed between when the sisters had been placed in a holding cell and when their mother, § 87(2)(b) arrived in the stationhouse. He recalled that when § 87(2)(b) entered the stationhouse, she was screaming and yelling. He noted that PO Larios, who § 87(2)(b) initially spoke to, acted very cordially towards her, but she refused to calm down and continued making a scene inside the stationhouse. After asking her to calm down at least three times, which she refused to do, PO Polesovsky informed her that she would have to leave the stationhouse, and that if she did not leave, she could be arrested.

Subject Officer: PO ERICK LARIOS

- § 87(2)(b)
- *On the date of the incident, he was assigned to Sector Patrol of the 34th Precinct. He worked from 9:30 AM to 6:05 PM with PO Stephen Polesovsky in uniform and in marked patrol car #1866.*

Memo Book

PO Larios had the following memo book entries related to this incident. On July 29, 2011, at 12:13 PM, PO Larios noted two arrests at 209 Wadsworth in regards to a dispute with a knife: § 87(2)(b) DOB: § 87(2)(b) for obstruction of governmental administration, resisting arrest, and disorderly conduct; and § 87(2)(b) DOB: § 87(2)(b), for criminal possession of a weapon and menacing. Both live at the same address as their mother, § 87(2)(b) at § 87(2)(b), who was notified of the arrests. PO Polesovsky took the two arrested women out with EMS because they had small scrapes as a result of being arrested, but § 87(2)(b) refused medical attention, and § 87(2)(b) refused medical attention on behalf of § 87(2)(b).

CCRB Testimony

PO Larios was interviewed at the CCRB on February 1, 2012 (encl. 41 – 42). On July 29, 2011, PO Larios recalled that he heard a radio run about a girl with a knife near the intersection of W. 184th Street and Wadsworth Avenue. When PO Larios and PO Polesovsky drove to the area, they saw a woman who fit the description. PO Larios got out and someone pointed at a large kitchen knife, about 12 inches long, that § 87(2)(b) had used to menace the victim, who was at the scene. When PO Polesovsky attempted to place § 87(2)(b) under arrest, she jumped over him and tried to punch the victim in the face, and tried to pull her necklace and also grabbed at her shirt. While the officers were trying to restrain § 87(2)(b) jumped on PO Larios's back to prevent the officers from arresting § 87(2)(b). When § 87(2)(b) did this, the officers subdued both women and placed them under arrest and took them to the precinct.

The entire incident occurred at the corner of the building, and PO Larios noted that there was a large crowd which had gathered to watch the incident unfold.

PO Larios stated that both he and PO Polesovsky struggled with the women to place them in handcuffs, though he did not recall whether he or PO Polesovsky handcuffed them. PO Larios stated that he and PO Polesovsky had to place the women face-down on the ground in order to handcuff them, and recalled that he only used his hands to keep her on the ground, and did not at any point pin her down with his knee.

PO Larios recalled that after placing the women on the ground, the officers lifted them up and placed them against a wall. They took information from the women and then quickly left the building, because, he noted that often, if a crowd is present, it could turn against either party, and so the officers just returned to the precinct.

PO Larios did not see any officer other than PO Polesovsky speak with § 87(2)(b). PO Larios stated that he and PO Polesovsky told § 87(2)(b) that she would either have to quiet down or leave the stationhouse, and that if she continued to scream, she could have been arrested for disorderly conduct. PO Larios recalled that § 87(2)(b) was acting this way because she was very upset that her daughters had been arrested.

PO Larios stated that after they put the sisters in a holding cell, he went to § 87(2)(b) to explain what had happened and what she needed to do, at which point she became irate and started screaming and cursing at the officers. PO Larios did not want to deal with § 87(2)(b) as she was acting unreasonable, and so returned to the holding cells and let PO Polesovsky deal with her. He remained there and kept watch over them. He did not speak any more to the two women, and did not recall whether or not PO Polesovsky spoke to them, either.

PO Larios did not refer to any of the women as a “bitch,” and did not hear PO Polesovsky refer to any of them as a “bitch” at any point during the incident. PO Larios had never interacted with the two women before this incident, and hasn’t interacted with them since this incident.

NYPD Documents

Communications CD (encl. 49 - 51)

According to the communications CD, starting at about 12:00 PM on July 29, 2011, six phone calls were made reporting a Hispanic female with a knife at 209 Wadsworth Avenue. In call #5, a female voice can clearly be heard saying, “Put it down, § 87(2)(b).” Later in this same call, another female can be heard yelling, § 87(2)(b). In the background of all of these calls is a very loud commotion and it sounds as if several people are yelling and screaming.

The officers who first responded to the scene were driving vehicle #1866, the car assigned to PO Polesovsky and PO Larios. One of these responding officers can be heard asking the dispatcher to repeat the description of the suspect approximately five minutes before announcing that he has arrested two people in regards to the dispute.

NYPD Vouchers (encl. 58 - 59)

PO Polesovsky vouchered a large kitchen knife and a pair of scissors as arrest evidence for § 87(2)(b).

§ 87(2)(b)

- § 87(2)(b) [REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]

Status of Civil Proceedings

- § 87(2)(b) [REDACTED] and § 87(2)(b) [REDACTED] have not filed a Notice of Claim with the City of New York as of March 14, 2012, with regard to the incident.

Civilian Criminal History

- As of July 24, 2012, Office of Court Administration records reveal no criminal convictions for § 87(2)(b) [REDACTED]
- As of July 24, 2012, Office of Court Administration records reveal no criminal convictions for § 87(2)(b) [REDACTED]
- § 87(2)(b) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Civilian CCRB History

- This is the first CCRB complaint filed by § 87(2)(b) [REDACTED] (encl. 4).
- This is the first CCRB complaint filed by § 87(2)(b) [REDACTED] (encl. 5)
- This is the first CCRB complaint filed by § 87(2)(b) [REDACTED] (encl. 6)
- This is the first CCRB complaint filed by § 87(2)(b) [REDACTED] (encl. 8)

Subject Officers' CCRB History

- PO Stephen Polesovsky has been a member of the service for six years and there is one substantiated CCRB allegation against him (encl. 2).
 - In CCRB case #200615874, one allegation against PO Polesovsky of abuse of authority (refusal to provide name and shield) was substantiated. The sentence imposed was command discipline.
- PO Erick Larios has been a member of the service for seven years and there are no substantiated CCRB allegations against him. (encl. 3).

Conclusion

Identification of Subject Officers

§ 87(2)(b) [REDACTED] and § 87(2)(b) [REDACTED] all described the two subject officers in the same manner: one was a tall white male and the other was a shorter, heavier Hispanic male. Both PO Polesovsky and PO Larios, the officers named in the UF-61 reports as the arresting officer and his partner, respectively, confirmed their roles in this incident.

Investigative Findings and Recommendations

Allegation A – Force: PO Stephen Polesovsky used physical force against § 87(2)(b)

§ 87(2)(b) and § 87(2)(b)

Allegation B – Force: PO Erick Larios used physical force against § 87(2)(b) and

§ 87(2)(b)

§ 87(2)(b) stated that PO Larios threw her against a concrete and brick wall and which resulted in a scratch on her forehead. PO Larios then threw § 87(2)(b) against the ground, pinned her there with his knee, and then handcuffed her. § 87(2)(b) reiterated this allegation, stating that PO Larios pushed her after throwing § 87(2)(b) to the ground. She alleged that right after this, PO Polesovsky dragged her to the ground, put his knee in her back, and then slammed her into a cement wall.

PO Polesovsky and PO Larios stated that they went to 209 Wadsworth Avenue in response to a radio run about a female suspect with a knife. They also noted that because there were several civilians present the scene was extremely chaotic when they arrived. They recalled that when they arrived at the building, they immediately recognized § 87(2)(b) based on the suspect description provided in the dispatches. When PO Polesovsky attempted to handcuff § 87(2)(b) she jumped over him and attempted to attack § 87(2)(b). PO Polesovsky attempted to handcuff § 87(2)(b) again after this. While he was doing this, § 87(2)(b) jumped on top of PO Larios. Every witness interviewed for the purpose of this investigation supported the officers' accounts of this incident. For these reasons the CCRB found that within the context of this incident, it is reasonable to believe that the officers felt that either § 87(2)(b) or § 87(2)(b) could have caused them bodily harm.

Penal law 35.30 states that “A police officer, in the course of effecting or attempting to effect an arrest, or of preventing or attempting to prevent the escape from custody, of a person whom he reasonably believes to have committed an offense, may use physical force when and to the extent he reasonably believes such to be necessary to effect the arrest, or to prevent the escape from custody, or to defend himself or a third person from what he reasonably believes to be the use or imminent use of physical force.” (encl. 1)

§ 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Allegation C – Discourtesy: PO Stephen Polesovsky spoke obscenely and rudely to

§ 87(2)(b)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Allegation D - Force: PO Stephen Polesovsky used physical force against § 87(2)(b)

Allegation E – Abuse of Authority: PO Stephen Polesovsky threatened to arrest § 87(2)(b)

§ 87(2)(b) stated that she went to the station house to see her daughters after she heard they had been arrested, and that when she was there, she argued with officers for approximately twenty minutes and also refused to follow multiple requests from the officers to calm down. After acting in a disorderly fashion, PO Polesovsky grabbed one of her arms and then pushed her out of the precinct. PO Polesovsky also told her that she would be arrested for trespassing if she tried to return to the stationhouse.

Both officers confirmed that they asked § 87(2)(b) multiple times to calm down before PO Polesovsky escorted her out of the precinct.

§ 87(2)(b), § 87(2)(g)

Allegation F – Abuse of Authority: PO Stephen Polesovsky threatened to arrest § 87(2)(b)

Allegation G – Force: PO Stephen Polesovsky used physical force against § 87(2)(b)

§ 87(2)(b) alleged that PO Polesovsky threatened to arrest her twice when she went to visit § 87(2)(b) and § 87(2)(b) at the 34th Precinct station house, and that both times he said this, she refused to leave the station house. § 87(2)(b) stated that the second time she refused to leave, PO Polesovsky shoved her. § 87(2)(b), § 87(2)(g)

Team: _____

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date